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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

F. HARVEY WHITEMORE

Defendant.

CASE NO. 3:12-cr-00058-LRH-WGC

ORDER REGARDING

**F. HARVEY WHITEMORE'S UNOPPOSED MOTION FOR AN  
EXTENSION OF TIME TO FILE HIS REPLIES TO THE  
GOVERNMENT'S RESPONSES TO POST-TRIAL MOTIONS**

Defendant, F. Harvey Whittemore, by and through his attorneys, Gordon Silver, hereby moves for an extension of time to file his Replies to the Government's Responses to Mr. Whittemore's post-trial motions. This motion is supported by the attached memorandum of points and authorities and all papers and pleadings on file herein.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Following trial in this matter, Mr. Whittemore filed two post-trial motions on June 12,  
3 2013: (1) Motion in Arrest of Judgment and to Dismiss with Respect to Counts 1 through 3 of  
4 the Indictment (# 178<sup>1</sup>); and (2) Motion for New Trial (# 179). On June 28, 2013, the Court  
5 issued an Order (# 183) granting the Government's Unopposed Motion for An Extension of  
6 Time to File its Responses (# 182) to both post-trial motions. Pursuant to this Order, the  
7 Government timely filed its Responses (## 185, 186) to the post-trial motions on July 15, 2013.

8 Mr. Whittemore respectfully requests an extension of time to and including August 12,  
9 2013, to file his replies in support of his post-trial motions (## 178, 179). Mr. Whittemore  
10 requests this extension in order to allow adequate time to fully brief the complex issues raised in  
11 his motions and responded to by the Government. In addition, counsel needs additional time as a  
12 result of obligations in this and other cases.

13 Counsel for Mr. Whittemore has contacted Steven W. Myhre, counsel for the  
14 Government, who indicated that the Government does not oppose an extension of time to and  
15 including August 12, 2013. This extension of time is not being made for purposes of delay and  
16 will not impact any other deadlines in this case.

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28 <sup>1</sup> Refers to the Court's docket number.

1 For these reasons, Mr. Whittemore respectfully requests that the Court grant this motion  
2 and allow Mr. Whittemore to file his replies in support of the post-trial motions on or before  
3 August 12, 2013.

4 DATED this 26<sup>th</sup> day of July, 2013

5 GORDON SILVER

6  
7 /s/ Justin J. Bustos

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21 *Attorneys for Defendant,*  
22 *F. Harvey Whittemore*

23 ORDER

24 IT IS SO ORDERED.

25 DATED this 29th day of July, 2013.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE